IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIRST DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE MR JUSTICE L.NARASIMHA REDDY**

-

**WRIT PETITION NO : 22099 of 2004**

Between:

B. Venkateswarlu, E-78128, S/o Late Srihari,
R/o Mahaoobnagar, Mahaboobnagar District.

.... PETITIONER

**AND**

1 The APSRTC, Rep. by its Regional Manager,

Mahaboobnagar Region, at Mahaboobnagar.

2 The APSRTC, Rep. by its Divisional Manager,

Mahaboobnagar Division, at Mahaboobnagar.

3 The APSRTC, Rep. by its Depot Manager,

Mahaboobnagar Depot, at Mahaboobnagar.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus, or any other appropriate writ, order or direction, declaring the action of the respondents herein in imposing the punishment of removal from service on the allegation of suspected misappropriation of Rs. 3/- without considering the depositions made by the Co-passengers vide Proc No. 02/95(22)/2002-MBNR, dt. 1-4-2003 , which was confirmed by the appellate and review authorities vide Proc.No. PA/20(10)/03-DVM-MBNR, dt. 30-7-2003 and the Proc.No. PA/19(57)/03-RM(MB),Mahaboobnagar,dt. 5-6-2004 as illegal, unjust and

arbitrary, contrary to all canons of law and as such liable to be set aside by directing the respondents to Reinstate the petitioner forthwith by paying the arrears of wages for the period out of employment and pass such other order or orders as may deem fit and proper in the circumstances of the case.

**Counsel for the Petitioner : MR.S.M.SUBHAN**

**Counsel for the Respondents : MR. S.Vinayak Rao**

**Standing Counsel for APSRTC**

The Court at the admission stage made the following :

**ORDER** : -

The petitioner was employed as a Conductor in the A.P.S.R.T.C. Through proceedings, dated 01.4.2003, the Depot Manager, Mahabubnagar, removed him from service on the ground that he has committed certain irregularities while conducting the bus service. The order of removal was affirmed in the appeal and revision filed by the petitioner. He challenges the order of removal on the ground that it suffers from errors apparant on the face of record and that the evidence of the passengers who were examined as eye witnesses was not taken into account.

2. Heard learned counsel for the petitioner and the learned Standing Counsel for the Corporation.

3. The petitioner was removed from service on the ground that he has failed to issue ticket of Rs.3/-, after collecting fare. The finding recorded by the appointing authority was affirmed in the appeal and revision. If the petitioner is aggrieved by the order of removal, the only course open to him is to raise an industrial dispute before the Labour Court. The correctness or otherwise of an order of removal cannot be adjudicated in the writ petition under Article 226 of the Constitution of India, unless such an order was passed without jurisdiction or in contravention of the principles of natural justice.

4. Hence the writ petition is disposed of, leaving it open to the petitioner to avail

remedy of raising an industrial dispute before the Labour Court.

_____

**L.NARASIMHA REDDY, J**

Dated: 01st December, 2004

RAR

To

1 The Regional Manager, A.P.S.R.T.C.,

Mahaboobnagar Region, at Mahaboobnagar.

2 The Divisional Manager, A.P.S.R.T.C.,

Mahaboobnagar Division, at Mahaboobnagar.

3 The Depot Manager, A.P.S.R.T.C

Mahaboobnagar Depot, at Mahaboobnagar.

4 2 CD copies